

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH ANTHONY TURREY,

Defendant.

CASE NO. CR21-5385 BHS

ORDER

On October 11, 2022, the Court ordered the parties to submit simultaneous supplemental briefing on the impact of the new evidence, Dkt. 101, referenced in Turrey's Notice of Intent to Withdraw Expert Testimony, Dkt. 100, on both Turrey's Motion in Limine, Dkt. 73, and the Government's Motion to Admit Evidence Under Rules 404(b) and 414, Dkt. 71. The Court ordered the parties to submit opening briefs by October 28, 2022, and reply briefs by November 7, 2022. Dkt. 101.

The parties both filed opening briefs. Dkts. 105, 106. The Government also filed a reply brief. Dkt. 115. Turrey did not file a reply brief.

Based on the briefing submitted by the parties, the Court will likely rule that the evidence of the prior acts will be admissible. However, in order for the Court to make a

1 preliminary ruling, it will need the benefit of the testimony of both MV2 and MV3 with
2 an opportunity given to the defense to cross examine these witnesses. After this hearing,
3 the Court will be prepared to make a preliminary ruling on the admissibility of the prior
4 act evidence.

5 Accordingly, it is hereby **ORDERED** that an evidentiary hearing to take the
6 testimony of MV2 and MV3 is set for **Thursday, November 17, at 10:30 a.m.**

7 Dated this 8th day of November, 2022.

8
9 

10 BENJAMIN H. SETTLE
United States District Judge